

Document: Tenn. Code Ann. § 4-56-108

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Current through 2017 Regular Session (Chapter 493).

[Tennessee Code Annotated](#) > [Title 4 State Government](#) > [Chapter 56 Procurement](#)

**4-56-108.** Review and approval by the comptroller of the treasury -- Examination of documents-- Documentation of the cancellation of procurements or rejection of all responses to a procurement -- Protests -- Executed documents -- Posting of reports.

(a) The comptroller of the treasury shall review and approve such procurements, contracts, grants, and other related documents prior to the public posting on the single procurement web site of such procurements; after posting any amendments thereto; after recommendation for award; and prior to execution of the contract as applicable for the following:

- (1) Delegation of procurement or contract authority by the chief procurement officer. All initial, reduced or revoked delegations as provided under § 12-3-401 shall be reported to the comptroller of the treasury in such format and time interval as reasonable. All periodic reviews of purchasing activities of any state agency granted such delegation shall be provided to the comptroller of the treasury;
- (2) Procurement and contracts for goods and services where authority exists under both the state building commission and the central procurement office to procure and contract;
- (3) Procurement and contracts for auditing services;

- (4)** Cooperative agreement to participate, sponsor, conduct or administer as provided in § 12-3-512 with any other entity;
- (5)** Fee for service procurement or contracts with a maximum liability in excess of five million dollars (\$5,000,000), which may be increased or decreased by action of the commission;
- (6)** Grant contracts with a maximum liability in excess of five million dollars (\$5,000,000), which may be increased or decreased by action of the commission;
- (7)** Fee for service procurement or contracts for new or replacement information systems and technical infrastructure projects for goods and services in excess of five hundred thousand dollars (\$500,000), which may be increased or decreased by action of the commission;
- (8)** Procurement or contracts that would utilize competitive or noncompetitive negotiations with a maximum liability in excess of two hundred fifty thousand dollars (\$250,000), which may be increased or decreased by action of the commission. Competitive or noncompetitive negotiation shall not be utilized by a state agency unless such procurement is performed by the central procurement office;
- (9)** Procurement or contracts for which the state would receive revenue;
- (10)** Procurement or contracts that would incur no cost;
- (11)** Procurement or contracts that propose a term that exceeds sixty (60) months;
- (12)** Procurement or contracts that propose a limitation of liability that is less than two (2) times the maximum liability;
- (13)** Procurement or contracts that propose to change the records, annual report and audit or monitoring provisions;
- (14)** Procurement or contracts that would provide for the negotiation of a necessary, mandatory or standard contract clause;
- (15)** Procurement that would provide that a cost proposal may be evaluated contemporaneously with or prior to evaluation of the technical proposal;
- (16)** Procurement or contract that provides an automatic price escalator; and
- (17)** Such other procurements, contracts or other items as may be directed by the commissioner of finance and administration or by the commission.

- (b)** Without limitation of the audit authority of the comptroller of the treasury, the comptroller is authorized to examine any documents under the authority of the chief procurement officer.
- (c)** Cancellation of procurements or rejection of all responses to a procurement shall be documented in accordance with rules and regulations, standards, policies and procedures as approved by the commission and the reason for the cancellation or rejection of all bids for a procurement shall be provided to the comptroller of the treasury within three (3) business days after such determination.
- (d)** Any protest after notice of intent to award by an aggrieved respondent received by the chief procurement officer or the protest committee shall be filed with the comptroller of the treasury within three (3) business days of receipt. All responses to the aggrieved respondent regarding the protest whether allowed or not, shall be filed with the comptroller of the treasury at the same time provided to the aggrieved respondent.
- (e)** Contracts shall contain on the last page of the secured contract document the signature and approval date of all required approvers to be a fully executed document and for the release of a purchase order against the contract.
- (f)** The comptroller of the treasury shall be provided view access to any information or data from any system housing procurement and contract related data, information, and processes.
- (g)** The chief procurement officer shall post on the single procurement web site reports or data queries, subject to approval by the comptroller of the treasury as to format and time interval for update. Such reports shall include, but are not limited to, the following:
- (1)** Noncompetitive, sole source or proprietary contracts;
  - (2)** Cancellation of procurements or contract awards;
  - (3)** Cancellation of contracts before term extension or for cause;
  - (4)** Protests to chief procurement officer and protest committee;
  - (5)** Emergency procurements and contracts;
  - (6)** Contracts with term extensions beyond sixty (60) months;
  - (7)** Rule exceptions approved by the chief procurement officer; and

(8) Persons or entities that are prevented from contracting or submitting a response to a procurement.

## History

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Acts 2013, ch. 403, § 7.

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